

REMARKS

Claims 2-7, 9, 11-18, 20-24, 26, 28-41, 43-46, 48, 50-51, 61-82 and 84-90 are pending in the Application. Claim 40 is being amended. No claim is being added or cancelled. No new matter is being added by way of this Amendment.

Regarding drawing objection.

Formal drawings of FIGS. 1-13 are being submitted, in the form of Replacement Sheets, to address the objection. Applicant believes no new matter is being introduced by way of the Replacement Sheets.

Regarding allowable subject matter.

Applicant thanks the Examiner for indicating claims 2-7, 9, 11-18, 20-24, 26, 28-39, 45-46, 48, 50, 51, 61-66, 69-82, 84-86, and 88-90 have allowable subject matter and are allowed.

Regarding claim rejections under 35 U.S.C. § 101.

Claims 40-41, 43-44, 67-68, and 87 stand rejected under 35 U.S.C. § 101. Applicant respectfully traverses the rejections.

Claim 40 is being amended to recite, explicitly, “a non-transitory computer readable medium.” The Office must give the claim the broadest reasonable interpretation. The broadest reasonable interpretation of “computer readable medium” relies on the ordinary and customary meaning that includes non-transitory forms of media, such as hardware storage and portable, physical article media (*e.g.*, disks). Thus, the Amendment is supported and no new subject matter is being added. Applicant respectfully submits that now amended claim 40 and its dependent claims are directed to statutory subject matter (*i.e.*, non-transitory media) under 35 U.S.C. § 101.

The Specification is also being amended, in accordance to the section above entitled “Amendments to the Specification” to recite, explicitly, “a non-transitory computer readable medium.”

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims (claims 2-7, 9, 11-18, 20-24, 26, 28-41, 43-46, 48, 50-51, 61-82 and 84-90) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By /Weber Hsiao, Reg. No. 67180/
for Mark B. Solomon
Registration No. 44,348
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133
Date: November 3, 2010